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LETTER DATED 16 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith the text of note No. 10/4/2/92107 dated 16 January 1993 from the Ministry of Foreign Affairs of the Republic of Iraq, accompanied by an unofficial English translation. This note is a reply to the letter dated 15 January 1993 from Mr. Pierce Cordan, Deputy Executive Chairman of the Special Commission.

I should be grateful if you could bring this note to the attention of the members of the Security Council and arrange for the text of this letter and of its annex, consisting of the above-mentioned note, to be circulated as an official document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Special Commission and, with reference to the letter dated 15 January 1993 from Mr. Pierce S. Cordan, Deputy Executive Chairman of the Special Commission, addressed to the Permanent Representative of Iraq to the United Nations and the memorandum dated 15 January 1993 from the Special Commission addressed to the Ministry concerning the notification of flight plans for the C-160 aircraft chartered by the Special Commission for 17, 18, 19 and 20 January 1993, has the honour to state the following:

1. We once again confirm to you that Iraq has decided to permit the aircraft chartered by the United Nations to come to Iraq on a case-by-case basis, and to use the Habbaniyah airfield according to the procedures already followed. This clearly means permission for the C-160 aircraft chartered by the Special Commission to come to Iraq on the basis of the flight plans for 17, 18, 19 and 20 January 1993 given in the annex to the above-mentioned memborandum from the Special Commission.

2. Iraq is currently subjected to military aggression carried out by United States, United Kingdom and French fighter planes. As a result of this ongoing aggression, Iraq is forced to exercise its right of self-defence. The situation created by the aggression launched jointly by the United States, the United Kingdom and France clearly threatens the safety of all aviation in Iraqi airspace. Iraq is not the cause but the victim of this dangerous situation. We therefore wish to stress that Iraq cannot be held responsible for the safety of any aircraft whatsoever within Iraqi airspace.

3. The obligations of Iraq, referred to in the UNSCOM note dated 15 January 1993 addressed to the Security Council, for ensuring the security and safety of UNSCOM personnel had been decided before the United States, the United Kingdom and France imposed the "no-fly zone" south of the 32nd parallel, long before the perpetration of the current military aggression against the sovereignty and territorial integrity of our country.

4. The response of Iraq does not in any way constitute a refusal to assume its obligations; nor is it correct to say that Iraq is not ensuring the safety of Special Commission personnel. Iraq does ensure the safety and security of United Nations personnel in its territories. But the prevailing situation of an ongoing flagrant aggression has obliged Iraq to ask the Special Commission to assume responsibility for ensuring the safety of its own flights under these circumstances.

5. Accordingly, the interpretation given to the Iraqi response of 15 January 1993, namely that it constitutes a refusal on the part of Iraq of the Commission's notification and an abdication of Iraq's obligations, is nothing but a distortion of the Iraqi position.

In spite of the clarity and justice of the Iraqi position as described above and of the serious dangers to which Iraq and its people are being subjected because of the military aggression currently inflicted on them by United States, United Kingdom and French war planes, and in order to foil the manufactured pretexts incessantly invoked to justify the aggression against Iraq and misrepresent the situation as being one of confrontation between Iraq and the United Nations, Iraq hereby agrees to the arrival of UNSCOM aircraft and will ensure the safety of these aircraft if they enter Iraqi airspace from the west using the direct flight route between Amman (or any other point in Jordan) and Habbaniyah. The Special Commission will have to notify us of the time at which the aircraft is/are expected to cross the frontier and enter Iraqi airspace and of the duration of the flight between the point of entry and the point of arrival at the Habbaniyah airfield. Similar notification should be given with regard to return flights over the four days specified in the annex to the UNSCOM memorandum of 15 January 1993.

We hope that the Special Commission will not allow itself to be used by the countries perpetrating the aggression against Iraq to achieve special objectives against Iraq which are totally irrelevant to the goals of Security Council resolution 687 (1991).

The Ministry of Foreign Affairs of the Republic of Iraq takes this opportunity to renew to the Special Commission the assurances of its highest consideration.

Baghdad, 16 January 1993